

REMARKS

The applicant's attorney and applicant's attorney thank Examiner May for the courtesies extended in the telephone interview with applicant's attorney on June 8, 2005, during which the grounds for rejection and prior art were discussed. No agreement was reached as to the allowance of any claims.

All the previously presented claims 1-20 were rejected. Claims 2-20 were rejected under 35 U.S.C. § 112, second paragraph; claims 1-6, 9-14, and 17-20 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by FR 2677398 A3; and claims 1-6 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whiting '762 in view of FR '398. The Examiner's indication in the Office Action that claims 7, 8, 15, and 16 may be given favorable consideration if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims is gratefully acknowledged.

Claims 8 (which as now amended is an independent claim) and 16 (which as now amended depends from amended claim 11) have been amended by this Amendment to clarify how a "threaded member" is functionally related to the doorstep.

In addition to claims 8 and 16, claims 2, 3, 4, 6, 9, 11, 12, 13, 17 and 19 are amended by this amendment to claim the combination of the doorstep and the hinge to which it is mounted and to clarify the relationship between the doorstep, the hinge to which the doorstep is mounted, the door (which is mounted on the hinge) and the doorframe (to

which the hinge is mounted). Claims 1, 5, 10, 14, 15, 18 and 20 have been cancelled by this amendment.

As noted above, claims 1-6, 9-11 and 17-20 had been rejected under Section 102(b) as being anticipated by FR 2677398 A3 (the "French '398 patent"). Applicant respectfully submits that, all of the now pending claims, as amended, are distinguishable over the French '398 patent. Each of the independent claims 2, 8 and 11 recite a combination of a doorstop and hinge, and each claim includes a limitation requiring the doorstop to be positioned on the knuckle of the hinge, as opposed to being positioned the hinge leaf as suggested in the French '398 patent. In addition, each of the pending claims as amended recites a limitation that said first and second transverse edges or edge members limit the maximum angle that the door can swing open. Also, each of the pending claims includes a limitation that the doorstop is held in position with respect to the knuckle of the hinge by magnetic attraction between a magnetic member on the doorstop and the knuckle, not the leaf of the hinge as suggested in the French '398 patent. This limitation relates to a key difference between applicant's present invention and the French '398 patent, namely, that the doorstop and hinge combination of the present invention limits the extent to which a door can swing open, whereas the wedge shown in the French '398 patent limits the extent to which the door can be closed, not opened – the opposite of the function of the present invention. The wedge in the French '398 patent is unsuitable for the purpose served by the present invention – *i.e.*, providing a simple doorstop to prevent a door from opening too far. Nor would it be obvious from the French patent, either alone or in combination with the other references cited, that a doorstop could be suspended on the

hinge knuckle, with its generally round shape, as taught by applicant's invention. Dependent claims 3 and 12 claim of the present application recite an arcuate contour for the magnetic member or housing, respectively, which facilitates the mounting of applicant's doorstep. The French patent does not suggest that the wedge therein could be attached by a magnet positioned on the round, hinge knuckle. Instead, in the French patent, the wedge can be mounted by a flat magnet positioned against the flat leaf of the hinge -- "the wedge may include a permanent magnet housed within one of its sides, for attachment against a hinge." See FIG. 4 and the Abstract of the French patent.

It is respectfully submitted that claims 8 and 16 are patentable for the additional reason that they each recite a threaded member (for example a shaft with threads on at least one end) that is threaded into an opening in at least one of the first and second edge members or edges.

The previously presented claims were also rejected under Section 103 as unpatentable over Whiting, U.S. Patent No. 3,178,762 ("Whiting") in view of the French '398 patent. Whiting does not disclose using a magnet for attaching the hinge stop disclosed therein. Rather, Whiting employs a "mounting screw 36 having a case hardened point 38 for biting engagement into the subjacent sleeve portion so as to fixedly position the stop 10." See col. 2, lines 16-20.

For at least the foregoing reasons, applicant respectfully submits that pending claims 2, 3, 4, 6, 8, 9, 11, 12, 13, 16, 17 and 19 are patentable over the cited references.

It is believed that no additional fees are due with this amendment (because as amended the application includes 12 claims in total and only three independent claims).

Accordingly, all of the pending claims are believed to be patentable over the prior art and in condition for allowance. Applicant respectfully requests reconsideration of the application and timely issuance of a Notice of Allowance. The Examiner is invited to telephone applicant's attorney, Stanley A. Schlitter (Reg. No. 28,799), at 312-923-2712, if doing so might expedite prosecution.

Respectfully submitted,

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